REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 11, and 18-30 have been amended. No claims have been cancelled or added. Therefore, claims 1-30 now are presented for examination.

Electronic Copy of Response

As per the Examiner's request, an electronic copy of this Office Action response has been included on a 3.5 inch IBM format floppy disk. It is the applicant's understanding that, as stated in the Office Action, the floppy disk file will be considered a duplicate copy, and only the paper copy will be entered.

Drawings

Figure 6 has been amended by replacement Figure 6. Please refer to the Amendments to the Drawings section above, and to replacement Figure 6 included with this response.

35 U.S.C. § 112 Rejection

Claims 1, 2, 5, 7-9, 11-13, 18, 19, 21, 22, 24, 25, 28, and 30 stand rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. More particularly, the term "yielding count" in these claims lacks proper antecedent basis. Applicant submits that the claims have been amended to appear in proper form for allowance. Therefore, applicant respectfully requests that the 35 U.S.C. §112 rejection be withdrawn.

35 U.S.C. § 103 Rejection

Claims 1-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the admitted prior art (APA), in view of Orton, et al. (U.S. Patent No. 6,351,778). Applicant submits that the present claims are patentable over the APA in view of Orton.

Orton discloses a method and apparatus for enabling an object-oriented application to access in an object-oriented manner a procedural operating system having a native procedural interface. (Orton at Abstract.) Orton discloses a code library including computer-programming logic implementing an object-oriented class library. The object-oriented class library comprises related object-oriented classes for enabling an application to access, in an object-oriented manner, services provided by an operating system. The object-oriented classes include methods for accessing the operating system services using procedural function calls compatible with the native procedural interface of the operating system. (Col. 3, lines 50-63.)

Claim 1, as amended, recites:

> A method comprising:
> for a first thread, entering a processing queue for obtaining permission to enter a critical section of code;
> determining if a second thread exists, the second thread executing the critical section of code concurrently with the first thread entering the processing queue; and
> if the second thread exists, then determining if the second thread is executing the critical section;
> if the second thread is executing the critical section, then testing for the second thread to complete until one of the following occurrences:
> the second thread completes; and
> a yielding count expires.

The Office Action acknowledges that the APA does not disclose or suggest a yielding count as disclosed in claim 1. (Office Action at page 4, point 6.) Instead, the Office Action asserts that Orton teaches a yielding count to terminate testing. (Id.)

However, Applicant submits that Orton does not disclose or suggest a yielding count as a condition for terminating testing of whether a thread has finished executing a critical section of code. The portions of Orton cited in the Office Action relate to using "time-outs" in the context of limiting the time a thread will wait for condition variables. Such condition variables are used to wait for and signify the truth of certain Boolean expression within the context of a monitor lock. (See Orton at col. 17, line 53 through col. 18, line 3.)

Nevertheless, such "time-outs" are not the same as a yield count that is a condition for the termination of testing whether a thread has completed executing a critical code section. Furthermore, there is no motivation to combine the "time-outs" of Orton with the APA in such a way as to produce yield counts functioning as they do in the present application. Therefore, Orton cannot disclose or suggest the features of claim 1.

As neither the APA nor Orton disclose or suggest a yield count as a condition for terminating testing of whether a thread has finished executing a critical section of code, any combination of the APA or Orton would also not disclose or suggest such a feature. Therefore, claim 1 is patentable over the APA in view of Orton.

Claims 2-10 depend from claim 1 and include additional limitations. Therefore, claims 2-10 are also patentable over the APA in view of Orton.

Claims 11, 15, 18, 21, and 24 each recite, in part, a yield count as a condition for terminating testing of whether a thread has finished executing a critical section of code. Similar to the discussion above, neither the APA nor Orton disclose or suggest such a feature. As a result, claims 11, 15, 18, 21, and 24 are patentable over the APA in view of Orton for the reasons discussed above with respect to claim 1. As claims 12-14, 16-17,

19-20, 22-23, and 25-30 depend from claims 11, 15, 18, 21, and 24, respectively, and include additional limitations, these claims are also patentable over the APA in view of Orton.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.
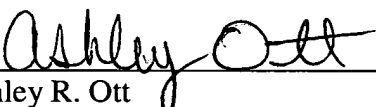
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: January 20, 2005

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IN THE DRAWINGS

Please replace Figure 6 with the replacement Figure 6 included with this response.

Replacement Figure 6 includes the addition of reference numerals 600, 602, 604, 606,

608, 610, 612, 614, 616, 618, 620, 622, 624, and 626.